



FTW

Attorney Docket No.: 43888-404
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Masaya UGAJI, et al. : Customer No. 53080
Application No.: 10/553,208 : Confirmation No.: 1240
Filed: October 13, 2005 : Group Art Unit: 1795
For: SOLID ELECTROLYTE AND ALL SOLID : Examiner: GREGG CANTELMO
STATE BATTERY USING THE SAME :

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed June 22, 2009, having a shortened statutory period for response set to expire July 22, 2009, wherein the Examiner required restriction between the following Groups:

- Group I: Claims 1-8, drawn to a solid electrolyte composition under 35 U.S.C. 121: element M is a genus of elements exclusive of silicon, and
- Group II: Claims 9-12, drawn to a solid electrolyte composition where the additive element M is a genus of elements inclusive of silicon.

Applicants elect Group I, with claims 9-12 readable thereon and with the ultimate Species being the compound of claim 10 where the element M is Si, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional

Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.

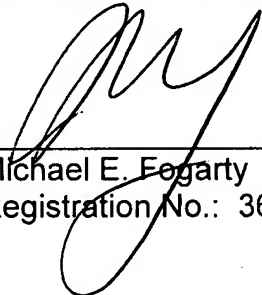
The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 7/22/09

By:



Michael E. Fogarty
Registration No.: 36,139

600 13th Street, N.W., Suite 1200
Washington, D.C. 20005-3096
Telephone: 202 756 8000
Facsimile: 202 756 8087